

## Article - Health - General

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§2–601.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) “Claim” means a request or demand, under a contract or otherwise, for money or other property, whether or not the State has title to the money or property, that is:

(i) Presented through a State health plan or a State health program to an officer, employee, or agent of the State; or

(ii) Made to a contractor, grantee, or other recipient, if the money or other property is to be spent or used on the State’s behalf or to advance a State interest through a State health plan or State health program, and the State:

1. Provides or has provided any portion of the money or other property requested or demanded; or

2. Will reimburse the contractor, grantee, or other recipient for any portion of the money or other property that is requested or demanded.

(2) “Claim” does not include requests or demands for money or other property that the State through a State health plan or State health program has paid to an individual as compensation for State employment or as an income subsidy with no restrictions on that individual’s use of the money or other property.

(c) “Documentary material” includes:

(1) The original or a copy of:

(i) A book;

(ii) A record;

(iii) A report;

(iv) A memorandum;

(v) A paper;

(vi) A communication;

(vii) A tabulation;

(viii) A chart;

(ix) A document; or

(x) Data compilation stored in or accessible through a computer or other information retrieval system, including instructions and all other materials necessary to use or interpret the data compilation; and

(2) Any product of discovery, including:

(i) The original or duplicate of any deposition, interrogatory, document, thing, result of an inspection of land or other property, examination, or admission that is obtained by any method of discovery in any judicial or administrative proceeding of an adversarial nature;

(ii) Any digest, analysis, selection, compilation, or derivation of any item listed in item (i) of this item; and

(iii) Any index or other manner of access to any item listed in item (i) of this item.

(d) “Employee” means an individual who performs services:

(1) For and under the control and direction of an employer; and

(2) Under an employer’s promise or implied promise of payment of wages or other remuneration.

(e) “Employer” means a person or group of persons who, acting directly or indirectly on behalf of another person or group of persons:

(1) Allows an employee to perform services under the employer’s control and direction; and

(2) Promises or implies that the employee will receive wages or other remuneration in payment for the performance of those services.

(f) (1) “Knowing” or “knowingly” means, with respect to information and without requiring proof of specific intent to defraud, that a person:

(i) Has actual knowledge of the information;

(ii) Acts in deliberate ignorance of the truth or falsity of the information; or

(iii) Acts in reckless disregard of the truth or falsity of the information.

(2) “Knowing” or “knowingly” does not mean, with respect to information, that a person acts in a manner that constitutes mistake or negligence.

(g) “Material” means having a natural tendency to influence or be capable of influencing the payment or receipt of money or other property.

(h) “Obligation” means an established duty, whether or not fixed, arising from:

- (1) An express or implied:
  - (i) Contractual relationship;
  - (ii) Grantor–grantee relationship; or
  - (iii) Licensor–licensee relationship;
- (2) A fee–based or similar relationship;
- (3) Statute or regulation; or
- (4) The retention of an overpayment.

(i) “Provider” has the meaning stated in § 2–501 of this title.

(j) “Public body” means:

- (1) The General Assembly or any other elected body;
- (2) A member or an employee of the General Assembly or other elected body;
- (3) A State court;
- (4) A member or an employee of a State court;

(5) A State or local regulatory, administrative, or public agency or authority;

(6) An instrumentality of a State or local regulatory, administrative, or public agency or authority;

(7) A State or local law enforcement agency, prosecutorial office, or police or peace officer;

(8) A State or local department of an executive branch of government; or

(9) A division, board, bureau, office, committee, or commission of any of the public bodies listed in this subsection.

(k) “Retaliatory action” means:

(1) Discharging, suspending, demoting, threatening, harassing, or discriminating against an employee, contractor, or agent; or

(2) Any other adverse action taken against an employee, contractor, or agent relating to the conditions of employment, contract, or agency.

(l) (1) “State health plan” means:

(i) The State Medical Assistance Plan established in accordance with the federal Social Security Act of 1939, as amended;

(ii) A medical assistance plan established by the State; or

(iii) A private health insurance carrier, health maintenance organization, managed care organization as defined in § 15–101 of this article, health care cooperative or alliance, or another person that provides or contracts to provide health care services that are wholly or partially reimbursed by, or are a required benefit of, a health plan established in accordance with the federal Social Security Act of 1939, as amended, or by the State.

(2) “State health plan” includes a person who provides or contracts or subcontracts to provide health care services for an entity described in paragraph (1) of this subsection.

(m) “State health program” means the Medical Assistance Program, the Cigarette Restitution Fund Program, the Developmental Disabilities Administration,

the Behavioral Health Administration, the Prevention and Health Promotion Administration, or any other unit of the Department that pays a provider for a service rendered or claimed to have been rendered to a recipient.

(n) “Supervisor” means an individual within an employer’s organization who has the authority to:

- (1) Direct and control the work performance of an employee; or
- (2) Take corrective action regarding the violation of a law or regulation that is the subject of a complaint or charge under this subtitle.

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